

PATENT

REMARKS

Claims 1-28 are pending in the application. Claims 1-28 have been rejected.

Rejections under 35 U.S.C. § 102

Claims 1-5, 7, 12-18, and 20-26 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. US 2003/0026219 to Moon (hereinafter "Moon").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (Aug. 2001) (*quoting Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Id.* (*quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1051, 1053 (Fed. Cir. 1987)). In addition, "the reference must be enabling and describe the applicant's invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that claims 1-5, 7, 12-18, and 20-26 are not anticipated by Moon for the reasons and explanations set forth below.

With respect to claims 1, 20 and 24 Applicants respectfully submit that Moon does not teach or suggest all of the limitations of claim 1. In particular, Moon does not disclose "multiplexing power control information generated for the plurality of channels on a plurality of feedback substreams defined based on the feedback stream".

Moon discloses a common power control channel transmission device for a base station in a CDMA communication system. The device has a selector for receiving power control commands to be transmitted to multiple subscribers. (Abstract) The device then multiplexes the received power control commands and passes the information to a spreading modulator for spreading the output of the selector by multiplying the output of the selector by a spreading sequence. (Abstract) The common power control channel transmission device can be used to control the power of a reverse link common channel. (Abstract) Moon discloses power control for a reverse link common channel in a CDMA communication system. (paragraph 0012, lines 1-

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3). Furthermore, Moon also discloses a method for transmitting power control commands to subscribers using a common power control channel. (paragraph 0013, lines 1-4). Only one channel is power controlled by the mobile, and that channel is the reverse link common channel. (paragraph 0018, lines 1-7). Despite careful study of the Moon reference, Applicant is unable to find disclosure of multiplexing power control information generated for a plurality of channels on a plurality of feedback streams. Moon discloses only one power common power control channel. (paragraph 0020, lines 1-6) Moon does not disclose "multiplexing power control information generated for the plurality of channels on a plurality of feedback substreams defined based on the feedback stream". Therefore, Applicants respectfully submit that Moon does not disclose all of the limitations of claims 1, 20, and 24.

Claim 2 depends from claim 1 and contains additional limitations. Applicants respectfully submit that claim 2 is allowable as depending from allowable claim 1.

Claims 3, 5, 7, 21-23, 25, and 26 are allowable as depending directly or indirectly from allowable claims 1, 20, and 24.

Claim 4 depends indirectly from allowable claim 1 and is allowable for the reasons given above for claim 1.

Claims 12-14 and 18 depend directly or indirectly from allowable claim 1 and are allowable for the same reasons given above for claim 1.

Claims 15 and 16 depend directly from claim 1 and contain additional limitations. Applicants respectfully submit that claims 15 and 16 are allowable as depending from allowable claim 1.

Claim 17 depends directly from allowable claim 1 and is allowable for the reasons given above for claim 1.

Rejections under 35 U.S.C. § 103

Claims 6, 8, 9, and 27 were rejected under 35 U.S.C. §103(a) as being obvious over Moon.

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the

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prior art, not in Applicants' disclosure." In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicants respectfully submit that a prima facie case of obviousness has not been established regarding claims 6, 8, 9, and 27 because the prior art cited does not teach or suggest all the claim limitations.

Claims 6, 8, and 9 depend indirectly from claim 1. Claim 1 is not rendered obvious by Moon for the reasons given above for claim 1. Claim 27 depends indirectly from claim 24. Claim 24 is not rendered obvious by Moon for the reasons given above for claim 1.

Claims 10, 11, 19, and 28 were rejected under 35 U.S.C. §103(a) as being obvious over Moon in view of U.S. Patent 6,252,865 to Walton (hereinafter "Walton"). The discussion of Moon, above, applies here. Applicants further submit that the combination of Moon and Walton does not teach, disclose, or suggest all the elements of claims 1 and 24, the claims from which claims 10, 11, 19, and 28 depend. In particular, neither Moon nor Walton teaches the limitation "multiplexing power control information generated for the plurality of channels on a plurality of feedback substreams defined based on the feedback stream". Walton teaches systems and methods for quickly controlling the output transmit power of signals sent from mobile stations to base stations on multiple access channels within a mobile radio telephone system and determining which of the multiple mobile stations has properly gained access to the multiple access channel. (Abstract) Walton also teaches a power inhibit sense control channel and a multiple access control channel. The power inhibit sense control channel operates at 9600 bits per second (bps) and has one of three multiple access control channels associated with it. (Col. 16, lines 61-64) Each of the three multiple access channels may also be referred to as a reverse control channel. (Col. 16, lines 64-65) A relationship preferably exists between the bit rate of the power inhibit sense control channel and the rate at which power control information is to be sent over the power inhibit sense control channel to mobile stations that are attempting to access a particular reverse control channel. (Col. 17, lines 2-6). The bit rate should be an integer multiple of the power control rate in order for there to be an integer number of bits per power inhibit sense control channel mini-slot. A mini slot is a period of time that is equal to the inverse of the power control rate. (Col. 17, lines 6-10). The number of reverse control channels that can be associated with one power inhibit sense control channel is dependent upon the bit rate. (Col. 17, lines 16-

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18). Applicants respectfully submit that neither Moon nor Walton teaches the limitation "multiplexing power control information generated for the plurality of channels on a plurality of feedback substreams defined based on the feedback stream" and therefore, do not teach, disclose or suggest all the limitations of base claims 1 and 24.

Furthermore, Applicant's respectfully submit that there is no motivation to combine the references. Combining the references results in a single reverse link common channel power controlled by means of a power inhibit sense control channel. This is not the same as found in Applicants invention as Applicant's invention multiplexes power control information generated for a plurality of channels on a plurality of feedback substreams. The combination does not result in Applicant's invention, nor in rendering obvious claims 10, 11, 19, and 28.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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